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UGANDA PROTECTORATE.

AN ORDINANCE

Enacted by His Britannic Majesty's Commissioner for the Uganda Protectorate.

(L.S.) J. HAYES SADLER,
Commissioner.

No. 8 of 1902.

King's African Rifles.

IT is hereby enacted as follows:—

1. This Ordinance may be cited as "The King's African Rifles Ordinance 1902." Short title.

2. In this Ordinance— Interpretation of terms.

(1.) "Officer" means an officer commissioned or in pay as an officer in His Majesty's Imperial, Colonial, or Protectorate forces, or any arm, branch, or part thereof. Warrant and other officers holding honorary commissions are officers within the meaning of this Ordinance.

(2.) "Native officer" means any officer other than European above the rank of sergeant-major.

(3.) "Non-commissioned officer" includes an acting non-commissioned officer, and a school-master and an enlisted clerk, but does not include British non-commissioned officers, who are subject to the Army Act.

(4.) "Soldier" does not include an officer as above defined, but includes every other person subject to this Ordinance during the time that he is so subject.

(5.) "Superior officer," when used in relation to a soldier, includes all officers and non-commissioned officers.

(6.) "Military decoration" means any medal, clasp, good-conduct badge, or decoration.

(7.) "Military reward" means any gratuity for long service or good conduct; it also includes any good-conduct pay or any other military pecuniary reward.

(8.) "Enemy" includes all armed mutineers, armed rebels, armed rioters, and pirates.

(9.) "Army Act" means the Imperial Statute 44 and 45 Vict., cap. 58, as amended from time to time, or any Imperial enactment substituted therefor.

(10.) "Commanding officer" means the officer in command of a battalion, and in relation to any officer, native officer, non-commissioned officer, or private, means the officer in command of the battalion to which such officer, native officer, non-commissioned officer, or private belongs.

(11.) "Inspector-General" means the inspector-general of the King's African Rifles.

3. This Ordinance is divided into four parts relating to the following subject-matters, that is to say:—

Division of Ordinance.

Part I. Constitution and Government.
Part II. Enlistment, Discharge, and Service.
Part III. Discipline.
Part IV. General Provisions.

Part I.—CONSTITUTION AND GOVERNMENT.

Constitution of regiment.

4. There shall be established and maintained in the Protectorate two battalions of troops to be styled and known as the 4th and 5th Battalions of the King's African Rifles.

Duties of regiment.

5.—(1.) The battalions shall form part of a regiment of His Majesty's forces styled the King's African Rifles, hereinafter called the regiment.

(2.) The regiment shall be charged with the defence of the East Africa, Uganda, British Central Africa, and Somaliland Protectorates, with the maintenance of order and with such other duties as may be from time to time defined by the Commissioner of the Protectorate, within which any portion of the regiment may from time to time be stationed.

Appointment of officers, &c.

6.—(1.) A battalion shall consist of an officer with the rank of Lieutenant-Colonel or Major in command and such other officers, native officers, non-commissioned officers and privates, as the Commissioner, subject to the directions of the Secretary of State, shall determine.

(2.) Officers other than native officers shall be appointed by the Secretary of State.

(3.) Officers, native officers, non-commissioned officers, and privates, shall receive such rates of pay as the Commissioner, subject to the directions of the Secretary of State, shall determine.

(4.) The officers, native officers, non-commissioned officers and privates of the battalion shall stand with each other in order of precedence and command as they have been here named.

(5.) Officers of the same rank will stand with each other in the battalion and in the regiment according to the date of their appointment to or promotion in the regiment. If two or more officers are appointed on the same date their seniority will be determined by their respective army rank.

(6.) The Commissioner may from time to time fill up all vacancies that may occur from removal, death, absence, incapacity, or other cause, by promotion or fresh appointments, and may at any time enrol fit men as privates of the regiment, and every such enrolment shall be an appointment under this Ordinance.

Inspector-general: duties of, &c.

7.—(1.) The inspector-general shall be appointed by the Secretary of State, who may prescribe his duties.

(2.) The inspector-general shall inspect and report to the Secretary of State upon all officers, native officers, non-commissioned officers, and privates of the regiment, whether within or without the Protectorate, and upon the organization, interior economy, and drill of the six battalions, and upon all matters appertaining to their welfare and efficiency.

(3.) The inspector-general may, whether within or without the Protectorate, issue instructions with regard to the organization, interior economy, and drill of the regiment or any part thereof, and the officers, native officers, non-commissioned officers, and privates of the regiment shall conform to all such instructions.

(4.) The Protectorate shall make such contribution towards the expenses of the inspector-general and to the expenses of the 4th and 5th Battalions when serving out of Protectorate as the Secretary of State may determine.

Employment beyond Protectorate.

8.—(1.) The Commissioner may at any time and for any purpose as the Secretary of State may direct, order that a battalion or any part thereof that may be stationed in the Protectorate shall be employed out of and beyond the Protectorate.

(2.) The Commissioner may, on the recommendation of the commanding officer, order that any non-commissioned officer or private of the regiment, shall proceed to the United Kingdom for the purpose of undergoing instruction or training or for other duty or employment.

Indian battalion: application of Indian Articles of War.

9. This Ordinance shall not apply to the native officers, non-commissioned officers, and privates of any battalion of the regiment which is recruited in India, but the said native officers, non-commissioned officers, and privates shall be subject to the Indian Articles of War, and the Indian Articles of War are hereby applied to such native officers, non-commissioned officers, and privates while serving in the Protectorate.

Duty of commanding officer.

10. The commanding officer, subject to the orders and directions of the Commissioner, shall have the command, direction, and general superintendence of the battalion, including appointments, promotions, and reductions in the native ranks.

Duties of officers.

11. The officers of the regiment, when posted to any station or district, shall be charged with the command, direction, and superintendence of the non-commissioned officers and privates of the regiment from time to time posted within such station or district, subject to the orders of the commanding officer and of the Commissioner. When not posted to a station or district, the officers shall have such command and such duties as the commanding officer, subject to the orders of the Commissioner, may direct.

Responsibility of commanding officers for stores.

12. The commanding officer shall be charged with, and accountable for, all public stores of whatever description belonging to or appertaining to that battalion in case of their being lost, spoiled, or damaged, otherwise than by unavoidable accident, theft, robbery, or actual service.

Responsibility of officers commanding detachments for stores.

13. Every officer in command of any detachment of the regiment shall be charged with the arms, accoutrements, ammunition, clothing, and all other public stores, and with all public moneys issued and delivered for the use of the detachment of the regiment under his command, and shall account for such arms, accoutrements, ammunition, clothing, and stores to the commanding officer in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, theft, robbery, or actual service, and to the paymaster of his battalion for such public moneys in case of their being lost, otherwise than by unavoidable accident, theft, or robbery.

Duty and responsibility of pay and quartermasters.

14. The paymaster of a battalion shall be charged with such duties in connection with the accounts of a battalion as may be intrusted to him by the commanding officer. The quartermaster shall have the immediate custody of, and account to his commanding officer for all arms, accoutrements, clothing, necessaries, ammunition, and other Government stores appertaining to the battalion in his charge, and he shall issue the same upon the requisition of his commanding officer, or according to such regulations as the Commissioner may from time to time prescribe.

Commissioner to make Regulations, &c.

15. The Commissioner may from time to time, in consultation with the commanding officer, make such rules and regulations consistent with this Ordinance and subject to the provisions thereof, relative to the battalions, as may be necessary for the purpose of preventing the spread of contagious disease, and to render the force efficient in the discharge of its duties, and for the discipline, good order, and guidance of the force, for the form and method of enlistment of the persons constituting the same, and for their general government, the services required of them, their conduct in the performance thereof, their distribution, posting, and removal from station to station and their inspection, and for the description, supply, use and disposal of arms, accoutrements, clothing, necessaries, and other warlike stores, to be furnished to them, and also with relation to the fiscal duties to be performed by the pay or quarter-masters and other officers with relation to the regiment, and generally for the

better carrying out of the provisions of this Ordinance. Such rules shall come into operation upon the publication thereof in the Gazette, or at such time as shall be provided therein.

Part II.—ENLISTMENT, DISCHARGE, AND SERVICE.

First term of engagement.

16. Every private shall be enlisted for the first term of engagement to serve in the regiment for three years, or such less period as may from time to time be fixed by the Commissioner, the term to be reckoned from the day on which the recruit shall have been finally approved for service and taken on the strength of the regiment.

Re-engagement and continuance in service.

17.—(1.) Any non-commissioned officer or private of good character who at any time has completed, or is within three months of completing, the term of his engagement may, with the approval of his commanding officer, re-engage to serve for a further term of three years or less from the expiration of his first period.

(2.) Any non-commissioned officer or private of good character who has completed at least twelve years' service may, with the approval of his commanding officer, re-engage for such period as shall complete a total period of twenty-one years' service, reckoning from the time of his first enlistment.

(3.) And upon completing such period of twenty-one years' service, he may, if he so shall desire, and with the approval of his commanding officer, and of the Commissioner, continue in the regiment in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to the officer under whose command he is serving of his wish to be discharged.

Conditions of re-engagement.

18.—(1.) Any non-commissioned officer or private who, being entitled to his discharge at the expiration of his first, second, third, or fourth period of service, re-engages for further service with the approval of his commanding officer, will be allowed to proceed on three months' furlough, and will receive during that period the half-pay of his rank.

(2.) If a non-commissioned officer or private offers to re-engage within three months after having received a certificate of discharge, he will, on re-engagement, be entitled to the advantages to which he was entitled with regard to good-conduct badges, pay, and rank at the time of his discharge. If, however, a longer period than three months from the date of his discharge has elapsed, then it will be discretionary with the commanding officer to allow the service, or part of the service, of such person previous to the date of such re-engagement to reckon towards good-conduct pay and badges; the question of the rank in which the non-commissioned officer or private re-engages being also left to the discretion of the commanding officer.

Declaration on enlistment, &c.

19. Every man enlisting or re-engaging in the regiment as aforesaid shall, previous to his being approved or re-engaged, make the following declaration, and shall confirm such declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience:—

I, *A. B.*, do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King Edward VII, his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, for a period of three* years, and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all ordinances, rules, and regulations relating to the King's African Rifles now in force, or which may from time to time be in force, within the said period.

Signature or mark of recruit.

Declared at this day of , 19 , before me.

Signature of officer.

* In case of re-engagement for a period other than three years this figure must be altered as the case may require.

The declaration and oath shall be made on parade before the senior officer of the regiment for the time being at the station at which the declaration and oath are made, and shall be preserved as a part of the enlistment papers of every recruit.

Prolongation of service terminating during war.

20. Any non-commissioned officer or private whose period of service expires during a state of war, insurrection, or hostilities, may be detained, and his service prolonged for such further period, not exceeding twelve months, as the Commissioner may direct.

Discharge on completion of service.

21. Subject to the provisions of section 17 and of the last preceding section, every non-commissioned officer and private who has completed his period or periods of engagement or service according to the provisions of this Ordinance, shall be discharged by his commanding officer, unless at the expiration of any period he is undergoing punishment for, or stands charged with the commission of, any offence under this Ordinance, and in case he is undergoing such punishment, or is charged with any such offence, his service shall be prolonged and his discharge deferred until such punishment shall have terminated, or until he has undergone his trial and any punishment awarded in respect of the offence with which he is charged.

Non-commissioned officers and privates subject to all regulations until formal discharge.

22. Every non-commissioned officer and private, until he has received a certificate of discharge, shall remain subject to all the provisions of this Ordinance and to all rules and regulations made in pursuance thereof.

Discharge when unfit for service or on being dismissed.

23. A non-commissioned officer or private may be discharged by his commanding officer at any time during the currency of any term of engagement—

(*a.*) When pronounced by the medical officer mentally or physically unfit for further service.
(*b.*) When sentenced to be dismissed the regiment for misconduct.
(*c.*) If within six months of attestation his commanding officer shall consider that he is unlikely to become an efficient soldier.
(*d.*) On reduction of establishment.

Rules for reckoning service.

24. In reckoning the service of any non-commissioned officer or private for discharge, either in the case of limited engagements, whether for the first, second, third, or fourth term, or for the total period of twenty-one years' service, there shall be excluded therefrom all periods during which he has been absent from his duty from any of the following causes:—

(*a.*) Imprisonment for any cause save that of detention awaiting any trial which results in the acquittal or discharge of the prisoner.
(*b.*) Imprisonment with hard labour.
(*c.*) Desertion for any period.
(*d.*) Absence without leave exceeding forty-eight hours.

Consequence of discharge or dismissal.

25. Whenever any non-commissioned officer or private ceases to belong to the regiment, either by being dismissed therefrom, or by being discharged on the termination of his period of engagement, or as unfit for further service, or on reduction of establishment, all powers and authorities vested in him shall immediately cease and determine, and he shall, before a certificate of discharge is delivered to him, deliver over his arms, ammunition, accoutrements, uniform, and other appointments which are the property of the Protectorate Administration, to such person and at such time and place as shall be directed by the officer under whose command he may be at the time of ceasing to belong to the regiment; provided that a soldier discharged before the expiration of one year for any fault, or as not likely to make an efficient soldier, shall not take away with him any arms, or any articles of uniform or equipment described by any rules or regulations as personal property of soldiers.

Good-conduct pay.

26. Every non-commissioned officer under the rank of sergeant, and every private, who shall have served for three years without having incurred a sentence of:—

(*a.*) Imprisonment or confinement to barracks for more than seven days;
(*b.*) Imprisonment with hard labour for any term;
(*c.*) Fine in any sum exceeding 5*s.*;
(*d.*) Corporal punishment;

shall be entitled to bear one good-conduct badge, and to receive extra pay at the rate of 1*s.* per month; and for every subsequent period of three years which he shall have served under like conditions he shall be entitled to bear one additional good-conduct badge, and to receive extra pay at the rate of one additional shilling per month for each badge; provided that no non-commissioned officer or private shall receive more than six good-conduct badges.

Gratuities on discharge, &c.

27.—(1.) Gratuities at the following rates, in lieu of pension, shall be granted on discharge after a continuous good service extending to a period of twelve years, viz. :—

	£
To native officers	40
„ sergeants-major	20
„ sergeants	10
„ corporals	8
„ lance-corporals and privates	6

And at the following rates after a total continuous good service extending to twenty-one years, viz. :—

	£
To native officers	60
„ sergeants-major	30
„ sergeants	15
„ corporals	12
„ lance-corporals and privates	9

(2.) No increased rates of gratuity shall be paid in respect of any period of service in excess of a total service of twenty-one years; and no native officer, non-commissioned officer, or private, who has received a gratuity on discharge after twelve years' service shall, in the event of his afterwards re-enlisting, receive in respect of his service after such re-enlistment any higher gratuity than may, together with such first gratuity, be equal to the gratuity which he would have earned by continuous service for twenty-one years.

(3.) Where any non-commissioned officer or private is discharged as unfit for further service, or on account of reduction of establishment, before completing such continuous period of twelve years or of twenty-one years as aforesaid, he may receive such proportion of the gratuity which he would have earned if he had completed the period of service he is then passing through as his commanding officer may, in his discretion, determine, and, in the event of the death of any non-commissioned officer or private before receipt by him of such gratuity, it shall be lawful for the Commissioner to direct and cause the amount thereof to be paid to or for the benefit of the widow or widows, or child or children, or to any next of kin of the non-commissioned officer or private so dying, on such conditions and, if to or for the benefit of more than one person, in such proportions, as to the Commissioner shall seem fit.

Gratuities on decease.

28. Any gratuity that would have been due and payable to any non-commissioned officer or private had he taken his discharge under the provisions of this Ordinance shall, in the event of his re-engaging for a further term and dying in the service before the completion of such term, be deemed for the purposes of this Ordinance to be his personal property in the charge of the Treasurer for the time being, and shall be paid out and distributed by the Treasurer or such other person as he may appoint in accordance with the provisions and conditions of this Ordinance.

Regiment may be temporarily increased.

29. It shall be lawful for the Commissioner, subject to the directions of the Secretary of State, when occasion arises to enrol for a limited period such number of officers, native officers, non-commissioned officers, and privates, as he shall deem necessary: the period or number limited by such order may from time to time be prolonged, shortened, increased, reduced, or varied, by any subsequent order of the Commissioner; provided that no man shall be compelled to serve for a longer period than that for which he was enrolled under this section, except with his own consent.

Condition of service of persons temporarily enrolled.

30. Save as hereinafter enacted, all the provisions of this Ordinance, and of any Ordinance amending or extending the same, and of the rules and regulations which may from time to time be in force shall, so far as they may be applicable, apply to all officers, native officers, non-commissioned officers, and privates enrolled

under the last preceding section; and such officers, native officers, non-commissioned officers, and privates shall be deemed to be for all purposes part of the regiment as long as they shall be enrolled therein.

Provided always that when any officers, native officers, non-commissioned officers, or privates who are enrolled in, belong to, or are in the service of any Colony or other Protectorate shall be enrolled for temporary service in the Protectorate under this Ordinance, the rate of pay to be given them, the mode and time of payment, and all other matters relating to the pay and remuneration of such officers, native officers, non-commissioned officers, and privates, may be arranged between the Commissioner and the officer administering the government of the Colony or Protectorate in which the said officers, native officers, non-commissioned officers, and privates may be previously enrolled, or in the service of which they may be, and paid accordingly; but subject to this proviso, all officers, native officers, non-commissioned officers, and privates temporarily enrolled under this Ordinance shall receive the rates of pay respectively drawn by officers, native officers, non-commissioned officers, and privates of equal rank in the regiment.

Oath on temporary enrolment.

31. Every non-commissioned officer and private temporarily enrolled under this Ordinance shall make the following declaration, and shall confirm his declaration by oath in his native language in such manner as he may declare to be most binding upon his conscience:—

I, *A. B.*, do hereby solemnly and sincerely declare and promise that I will be faithful and bear true allegiance to His Majesty King Edward VII, his heirs and successors, and that I will faithfully serve and defend His Majesty the King, his heirs and successors, and the Government of the Protectorate until I am discharged, and will obey all orders of His Majesty and of the officers placed over me, and subject myself to all ordinances, rules and regulations relating to the King's African Rifles now in force, or which may from time to time be in force during my service.

Signature or mark.

Declared at , this day of 19 , before me.

Signature of officer.

The declaration and oath shall be made on parade before the senior officer of the regiment for the time being at the station at which the declaration and oath are made, and shall be preserved as a part of the enlistment papers of every recruit.

Part III.—DISCIPLINE.

Application of the Army Act.

32. The Army Act and any Articles of war or rules made in pursuance of such Act, and for the time being in force, shall, as to the provisions therein contained respecting discipline, apply—

(*a.*) At all times to European officers and non-commissioned officers appointed to or attached to the regiment.

(*b.*) To native officers, non-commissioned officers, and privates when on active service, within the meaning of the said Act; provided that any native officer, non-commissioned officer or private who is guilty of any offence named in this part of the Ordinance or in the Army Act when on active service within the meaning of that Act, may be punished as provided by this Ordinance.

(*c.*) To native officers, non-commissioned officers and privates during their residence in the United Kingdom when sent there for the purpose of undergoing instruction or training, or other duty or employment.

Application of sections 32–55.

33. The remaining sections of this Part of the Ordinance apply to native officers, non-commissioned officers, and privates not on active service—

(*a.*) When in the Protectorate.

(*b.*) When employed out of and beyond the Protectorate, in accordance with section 8 (1), of this Ordinance, in so far as they may be applicable.

34. Every person subject to this Ordinance who—

Mutiny and sedition.

(1.)—(*a.*) Causes or conspires with any other persons to cause any mutiny or sedition; or

(*b.*) Endeavours to seduce any person from allegiance to His Majesty, or to persuade any person to join in any mutiny or sedition; or

(*c.*) Joins in, or being present does not use his utmost endeavours to suppress, any mutiny or sedition; or

(*d.*) Coming to the knowledge of any actual or intended mutiny or sedition does not without delay inform his commanding or other superior officer of the same; or who

Striking or threatening superior officer, being in the execution of his office.

(2.) Strikes or uses or offers any violence to his superior officer, being in the execution of his office; or who

Defiant disobedience to superior officer, in the execution of his office.

(3.) Disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office, whether the same is given orally, or in writing, or by signal, or otherwise,

Punishment for offences in this section.

shall, on conviction, be liable to suffer death, or such less punishment as is in this Ordinance mentioned.

35.—(1.) Every person subject to this Ordinance who—

Repeated desertion.

(*a.*) Deserts, or attempts to desert, and shall be proved to have previously committed a similar offence; or

(*b.*) Persuades, endeavours to persuade, procures, or attempts to procure, any person to desert, and shall be proved to have previously committed a similar offence; or

Repeated fraudulent enlistment.

(*c.*) When belonging to any of His Majesty's Imperial or other forces, without having first obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enlists in any other of His Majesty's Imperial or other forces, and shall be proved to have previously committed a similar offence,

Punishment for offences in this section.

Shall, on conviction, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

(2.) Where an offender has fraudulently enlisted once or oftener he may, for the purposes of this section, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge an offender with any number of offences against this section at the same time, and to give evidence of such offences against him, and, if he be convicted thereof, to punish him accordingly.

36. Every person subject to this Ordinance who—

Fraud by persons in charge of moneys or goods.

(1.) Being charged with or concerned in the care or distribution of any public or regimental money or goods, steals, fraudulently misapplies, or embezzles the same, or is concerned in or connives at the stealing, fraudulent misapplication, or embezzlement thereof, or wilfully damages any such goods; or who—

Wilfully permitting escape of prisoner.

(2.)—(*a.*) When in command of a guard, piquet, patrol, or post, wilfully releases without proper authority any prisoner committed to his charge; or

(*b.*) Wilfully allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard,

Punishment for offences in this section.

shall, on conviction, be liable to suffer imprisonment, or such less punishment as is in this Ordinance mentioned.

37. Every person subject to this Ordinance who—

(1.)—(*a.*) Without orders from his superior officer, leaves his guard, piquet, patrol, or post; or — Offences in relation to guards, &c.
(*b.*) Forces or strikes a soldier when acting as sentinel; or
(*c.*) Impedes the provost-marshal or any assistant provost-marshal, or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty, the provost-marshal, assistant provost-marshal, or any such officer, non-commissioned officer, or other person; or
(*d.*) Forces a safeguard; or
(*e.*) Leaves his commanding officer for the purpose of committing any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving; or — Offences in relation to inhabitants.
(*f.*) Breaks into any house or other place for the purpose of committing any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving; or
(*g.*) Commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving; or
(*h.*) Does violence to any person bringing provisions or supplies to the forces; or
(*i.*) Irregularly detains or appropriates to his own regiment, battalion, or detachment any provisions or supplies proceeding to the forces, contrary to any orders issued in that respect; or — Irregular detention, &c., of supplies.
(*j.*) Being a soldier acting as sentinel, commits any of the following offences; that is to say— — Misbehaviour of sentinel.

(i.) Sleeps or is drunk on his post; or
(ii.) Leaves his post before he is regularly relieved; or who

(2.) Strikes or uses or offers any violence to his superior officer, or uses threatening or insubordinate language to his superior officer; or who — Insubordination.

(3.)—(*a.*) Strikes or uses or offers violence to any person, whether subject to this Ordinance or not, in whose custody he is placed, and whether he is or is not his superior officer; or
(*b.*) Resists an escort whose duty it is to apprehend him or to have him in charge; or
(*c.*) Breaks out of barracks, camp, or quarters; or who

(4.) Disobeys any lawful command given by his superior officer; or who — Disobedience.
(5.) Neglects to obey any general, or garrison, or other orders; or who — Neglect to obey garrison or other orders.

(6.)—(*a.*) Deserts or attempts to desert; or — Desertion.
(*b.*) Persuades, or endeavours to persuade, procures, or attempts to procure, or assists any person to desert; or
(*c.*) Being cognisant of any desertion or intended desertion of any person, does not forthwith give notice to his superior officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended; or
(*d.*) When belonging to any of His Majesty's Imperial or other forces, without having first obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enlists in any other of His Majesty's Imperial or other forces; or — Fraudulent enlistment.
(*e.*) Having been discharged with disgrace from any part of His Majesty's Imperial or other forces; or having been dismissed with disgrace from the navy, has afterwards enlisted without declaring the circumstances of his discharge or dismissal; or — Enlistment of soldier or sailor discharged with ignominy or disgrace.
(*f.*) Is concerned in the enlistment of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against this Ordinance; or who

(7.)—(*a.*) Absents himself without leave; or — Absence without leave.
(*b.*) Fails to appear at the place of parade or rendezvous appointed by his superior officer, or goes from thence without leave before he is relieved, or without urgent necessity quits the ranks; or

(*c.*) When in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, garrison, or other order, without a pass or written leave from his officer; or

(*d.*) Without leave from his officer, or without due cause, absents himself from any school when duly ordered to attend there; or who

Disgraceful conduct of soldier

(8.)—(*a.*) Attempts to commit suicide; or

(*b.*) Malingers, or feigns or produces disease or infirmity; or

(*c.*) Wilfully maims or injures himself or any other soldier, whether at the instance of such other soldier or not, with intent thereby to render himself or such other soldier unfit for service, or causes himself to be maimed or injured by any person, with intent thereby to render himself unfit for service; or

(*d.*) Is wilfully guilty of any misconduct, or wilfully disobeys, whether in hospital or otherwise, any orders, by means of which misconduct or disobedience he produces or aggravates disease or infirmity, or delays its cure; or

(*e.*) Steals or embezzles, or receives, knowing them to be stolen or embezzled, any money or goods the property of a comrade or of an officer, or any money or goods belonging to any regimental mess, band, or institution, or any public money or goods; or

(*f.*) Is guilty of any other offence of a fraudulent nature not before in this Ordinance particularly specified, or of any other disgraceful conduct of a cruel, indecent, or unnatural kind; or who

Drunkenness.

(9.) Commits the offence of drunkenness, whether on duty or not on duty; or who

Permitting escape of prisoner.

(10.)—(*a.*) When in command of a guard, piquet, patrol, or post, releases without proper authority any prisoner committed to his charge; or

(*b.*) Allows to escape any prisoner who is committed to his charge, or whom it is his duty to keep or guard; or who

Corrupt dealings in respect of supplies to forces.

(11.)—(*a.*) Commits or connives at any extortion; or

(*b.*) Without proper authority exacts from any person, carriage, porterage, or provisions; or

(*c.*) Lays any duty upon, or takes any fee or advantage in respect of, or is in any way interested in, the sale of provisions or merchandise brought into any garrison, camp, station, barrack, or place, in which he has any command or authority, or the sale or purchase of any provisions or stores; or who

Deficiency in and injury to equipment.

(12.)—(*a.*) Makes away with, or is concerned in making away with, his arms, ammunition, equipments, instruments, clothing, regimental necessaries, or any animal of which he has charge; or

(*b.*) Loses by neglect anything before in this paragraph mentioned; or

(*c.*) Makes away with any military decoration granted to him; or

(*d.*) Wilfully injures anything before in this paragraph mentioned or any property belonging to a comrade, or to an officer, or to any regimental mess, band, or institution, or any public property; or

(*e.*) Ill-treats any animal used in the public service; or who

Falsifying official documents and false declarations.

(13.)—(*a.*) In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes or is privy to the making of any false or fraudulent statement, or knowingly makes or is privy to the making of any omission with intent to defraud; or

(*b.*) Knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters, or makes away with any document which it is his duty to preserve or produce; or

(*c.*) Where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

Neglect to report, and signing in blank.

(*d.*) When signing any document relating to pay, arms, ammunition, equipments, clothing, regimental necessaries, provisions, furniture, bedding, blankets, sheets, utensils, forage, or stores, leaves in blank any material part for which his signature is a voucher; or

(*e.*) Refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send; or who

(14.)—(*a.*) Makes a false accusation against any officer or soldier, knowing such accusation to be false; or — False accusation or false statement.
(*b.*) In making a complaint, where he thinks himself wronged, knowingly makes any false statement affecting the character of any officer or soldier, or knowingly and wilfully suppresses any material facts; or
(*c.*) Makes a wilfully false statement to any military or judicial officer in respect of his military service; or who

(15.)—(*a.*) Being duly summoned or ordered to attend as a witness before a court-martial, makes default in attending; or — Offences in relation to courts-martial.
(*b.*) Refuses to take an oath or make a solemn declaration legally required by a court-martial to be taken or made; or
(*c.*) Refuses to produce any document in his power or control legally required by a court-martial to be produced by him; or
(*d.*) Refuses when a witness to answer any question to which a court-martial may legally require an answer; or
(*e.*) Is guilty of contempt of a court-martial by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court; or
(*f.*) When examined on oath or solemn declaration before a court-martial or any court or officer authorized by this Ordinance to administer an oath, wilfully gives false evidence; or who — False evidence.

(16.) Uses traitorous or disloyal words regarding the Sovereign; or who — Traitorous words.

(17.) Without due authority, either verbally or in writing or by signal or otherwise, discloses the numbers or position of any forces, or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any forces, at such time and in such manner as may be injurious to His Majesty's service; or who — Injurious disclosures.

(18.) Being a native officer or non-commissioned officer, — Ill-treating soldier.

(*a.*) Strikes or otherwise ill-treats any soldier; or
(*b.*) Having received the pay of any non-commissioned officer or soldier, unlawfully detains or unlawfully refuses to pay the same when due; or who

(19.) On application being made to him, neglects or refuses to deliver over to the civil magistrate, or to assist in the lawful apprehension of, any non-commissioned officer or private accused of an offence punishable by a civil court; or who — Refusal to deliver to civil power soldiers accused of civil offences.

(20.) Is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline, — Conduct to prejudice of military discipline.

shall on conviction be liable to suffer imprisonment not exceeding two years, or such less punishment as is in this Ordinance mentioned. — Punishment for offences in this section.

Provided that, in the case of conviction for drunkenness, the offender shall be liable, either in addition to or in substitution for any other punishment, to pay a fine not exceeding 1*l.* For the purposes of this section the expression "drunkenness on duty" means drunkenness committed on the march or otherwise on duty, or after the offender was warned for duty, or when by reason of the drunkenness the offender was found unfit for duty.

38. Punishment may be inflicted in respect of offences committed by persons subject to this Ordinance and convicted by court-martial according to the scale following:— — Scale of punishments by courts-martial.

(*a.*) Death.
(*b.*) Imprisonment with or without hard labour, for a term not exceeding five years.
(*c.*) Discharge with ignominy from His Majesty's service.
(*d.*) Reduction in the case of a non-commissioned officer to a lower grade, or to the ranks.
(*e.*) Corporal punishment not exceeding twenty-four lashes.
(*f.*) Forfeitures, fines, and stoppages.

Provided that—

(1.) A soldier when sentenced to imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from His Majesty's service.

(2.) In addition to or without any other punishment in respect of any offence, an offender convicted may be subject to forfeiture of any service towards gratuity, military decoration, or military reward.

(3.) In addition to or without any other punishment in respect of any offence, an offender may be sentenced to any deduction authorized by this Ordinance to be made from his ordinary pay.

(4.) The Commissioner shall, by regulation, prescribe the instrument with which corporal punishment under this section shall be inflicted.

Arrest.

Arrest.

39. The following regulations shall be enacted with respect to persons subject to this Ordinance when charged with offences punishable under this Ordinance.

(1.) Every person subject to this Ordinance when so charged may be taken into military custody: Provided, that in every case where any soldier remains in such military custody for a longer period than eight days without a court-martial for his trial being ordered to assemble, a special report of the necessity for further delay shall be made by his commanding officer in manner prescribed; and a similar report shall be forwarded every eight days until a court-martial is assembled or the soldier is released from custody:

(2.) Military custody means, according to the usages of His Majesty's service, the putting the offender under arrest or the putting him in confinement:

(3.) An officer may order into military custody any non-commissioned officer or private of the regiment, and any non-commissioned officer may order into military custody any private; and any such order shall be obeyed, notwithstanding the person giving the order and the person in respect of whom the order is given do not belong to the same corps, arm, or branch of the service:

(4.) An officer or non-commissioned officer commanding a guard, or a provost-marshal or assistant provost-marshal, shall not refuse to receive or keep any person who is committed to his custody by any officer or non-commissioned officer, but it shall be the duty of the officer or non-commissioned officer who commits any person into custody to deliver at the time of such committal or as soon as practicable, and in every case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal into whose custody the person is committed, an account either verbal or in writing, of the offence with which the person so committed is charged:

(5.) The charge made against every person taken into military custody shall without unnecessary delay be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such persons shall be discharged from custody.

Power of Commanding Officer.

Power of commanding officer.

40. The commanding officer shall, upon an investigation being had of a charge made against a person subject to this Ordinance of having committed an offence under this Ordinance, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with; but where he thinks the charge ought to be proceeded with, he may take steps for bringing the offender to a court-martial, or may deal with the case summarily.

(1.) Where he deals with a case summarily, he may—

(*a.*) Award to the offender imprisonment, with or without hard labour, for any period not exceeding forty-two days.

(*b.*) Reduce any non-commissioned officer to a lower rank or to the rank of private.

(*c.*) Award corporal punishment not exceeding twenty-five lashes. The Commissioner shall, by regulation, prescribe the instrument with which such punishment shall be inflicted.

(*d.*) Dismiss the offender from the regiment.
(*e.*) Impose a fine not exceeding 10*s.*, to be levied by stoppages from the offender's pay.
(*f.*) In addition to or without any other punishment, may order the offender to suffer any deduction from his ordinary pay to make good the amount of any loss or damage he may have caused.
(*g.*) Confinement to barracks for any period not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue;
(*h.*) Extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet.

Punishments for drunkenness.

(2.) The offence of drunkenness may be dealt with and summarily punished by the commanding officer as follows:—

(*a.*) For the first and second offence the offender shall be admonished or confined to barracks;
(*b.*) For every subsequent offence the offender shall be fined according to such scale as the Commissioner may approve, such fines to be levied by stoppages from the offender's pay, but no single award is to exceed 10*s.*;
(*c.*) For an act of drunkenness on duty, or when an act of drunkenness is accompanied by any other offence, the offender may be sentenced to imprisonment, with or without hard labour, or confinement to barracks in addition to the fine;
(*d.*) Any non-commissioned officer convicted of drunkenness may be reprimanded or reduced to a lower rank or to the rank of a private.

Powers of Officer Commanding a Detachment.

Punishments which officers commanding detachments, &c., may award.

41. Any officer commanding a detachment, or the Collector resident at and in charge of any station where there is a detachment but no officer of the regiment, may examine into the truth of any charge against a non-commissioned officer or private; and, if his decision is against the accused, he may impose on him any one or more of the following punishments:—

(1.) If a private—

(*a.*) Imprisonment, with or without hard labour, for any period not exceeding fourteen days;
(*b.*) Fine not exceeding 5*s.*, except in the case of drunkenness, to be levied by stoppages from the offender's pay;
(*c.*) Confinement to barracks for any period not exceeding twenty-one days, such confinement involving the taking of all duties in regular turn, attending parades and punishment drills, not exceeding one hour at a time, nor four hours in all on the same day, inclusive of ordinary parades, and also liability to employment on duties of fatigue;
(*d.*) Extra guards and piquets, but only for minor offences or irregularities when on or parading for guard or piquet.

(2.) If a native or non-commissioned officer—

Reprimand.

Punishments for drunkenness.

(3.) The offence of drunkenness may be dealt with and summarily punished, as laid down in section 40 (3) of this Ordinance, by such officer or Collector, except that any sentence of reduction on a non-commissioned officer must be confirmed by the commanding officer.

Cases of aggravated or repeated offence to be reported to commanding officer.

Whenever it shall appear to the officer commanding a detachment or Collector as aforesaid that the offence which any non-commissioned officer or private has committed would, by reason of its aggravation or by reason of previous offences of the accused, not be adequately punished with any of the aforesaid punishments, or combinations of punishments, he shall delay passing sentence, and shall report the whole proceedings in the case to the commanding officer, who may send back such

report for any further inquiry he considers requisite, or make any other or furthe order, or may rehear the case, as he may see fit.

Delegation of powers of commanding officer to officer commanding detachment.

42. It shall be lawful for the commanding officer by writing under his hand to confer the powers of a commanding officer, as defined by section 38 of this Ordinance on the officer commanding any detachment, under such restrictions and for such period as he may think fit, and to revoke the same. Any sentence of reduction in the case of a non-commissioned officer, and any sentence of dismissal from the service, imposed under this section, shall be subject to the approval of the commanding officer.

Courts-Martial.

Description, constitution, and powers of courts-martial

43.—(1.) For the purposes of this Ordinance there shall be two kinds of courts-martial, that is to say—

(*a.*) General courts-martial;
(*b.*) Regimental courts-martial.

(2.) A general court-martial shall be convened by the commanding officer, provided that he is in possession of a warrant authorizing him to convene a general court-martial, or provided that the power to convene and confirm general courts-martial has been delegated to him by the inspector-general.

(3.) A regimental court-martial shall be convened by the commanding officer, or some officer deriving authority to convene a regimental court-martial from him.

(4.) A general court-martial shall consist of not less than five officers, each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court-martial is of opinion that five officers are not available, having due regard to the public service, in which case the court-martial may consist of three officers, in which case also the convening officer may preside.

(5.) A regimental court-martial shall consist of not less than three officers, each of whom must have held a commission in His Majesty's service for not less than one year, unless the officer convening the court-martial is of opinion that three officers are not available, having due regard to the public service, in which case the court-martial may consist of two officers.

(6.) A general court-martial shall have power to try all persons subject to this Ordinance, and to pass sentence of death or such less punishment as is in this Ordinance mentioned; provided that, if the court-martial consist of less than five members, sentence of death shall not be passed on any prisoner without the concurrence of all the members.

(7.) A regimental court-martial shall not award the punishment of death or of imprisonment in excess of two years; but, subject as aforesaid, any offence under this Ordinance committed by a person subject to this Ordinance may be tried and punished by a regimental court-martial.

(8.) The president of a court-martial shall be appointed by order of the authority convening the court, and, in the case of a regimental court-martial, the convening officer may appoint himself as president.

Constituent members of courts-martial.

(9.)—(*a.*) One of the members of the court shall, if possible, be an officer of the battalion, and the other members of the court may be officers of the regiment, or officers of His Majesty's Army or Royal Marine Forces or Royal Navy, or officers of any of His Majesty's naval or military services.

(*b.*) In case of emergency, or when a sufficient number of military officers is not available, it shall be lawful for public officers of the Protectorate to sit as members of a court-martial, but in no case shall they sit as presidents, unless they are entitled to do so in virtue of their military rank in His Majesty's service.

Proceedings, how regulated.

(10.) In all cases or matters before the court, the proceedings of the court shall be, as nearly as may be, in accordance with the Rules of Procedure made under the Army Act.

44. The following authorities shall have power to confirm the findings and sentences of courts-martial; that is to say— Confirmation and approval of sentences.

(*a.*) In the case of a regimental court-martial, the commanding officer or officer having authority to convene such a court-martial at the date of the submission of the finding and sentence thereof.

(*b.*) In the case of a general court-martial, the convening officer.

Execution of Sentences.

45.—(1.) Any sentence of imprisonment, or of imprisonment with hard labour, imposed upon any non-commissioned officer or private of the regiment for any offence under this Ordinance, may be carried out in any prison established within the Protectorate, or where the sentence of imprisonment imposed does not exceed fourteen days, with or without hard labour, in any lock-up house or cells which for that purpose the Commissioner may think fit to attach to any fort or barracks. The Commissioner may from time to time make rules for the government of any lock-up house or cells attached by him to any fort or barracks, and with regard to the admission, discharge, custody, removal, safeguarding, diet, labour, occupation, discipline, instruction, and offences of soldiers of the regiment confined therein, and with regard to any and every other matter or thing relating to and connected with the carrying out and management of imprisonment in any such lock-up house or cells: provided that no soldier of the regiment shall be imprisoned in any such lock-up house or cells unless and until such rules as aforesaid shall have been made, and provided that any soldier of the regiment, notwithstanding that his sentence exceeds fourteen days, may, whilst awaiting removal to a prison, be temporarily imprisoned in any such lock-up house or cells. Execution of sentences of imprisonment.

(2.) A sentence passed upon any person subject to this Ordinance shall be in no respect affected by such person ceasing to be subject to this Ordinance by discharge or otherwise.

(3.) Every gaoler shall receive into his custody and carry out the sentence upon any soldier of the regiment sentenced to imprisonment, or imprisonment with hard labour, for any offence under this Ordinance, upon an order in writing in that behalf being delivered to him under the hand of the commanding officer or of the officer or Collector imposing the sentence, which order shall specify the offence and the period of imprisonment, or of imprisonment with hard labour. Gaolers to carry out sentences on order of commanding officer, &c.

(4.) Every person whilst undergoing any such sentence of imprisonment, or imprisonment with hard labour, shall be deemed and dealt with as a criminal prisoner. Persons undergoing sentences deemed criminal prisoners.

46. No pay shall accrue or become due to any soldier of the regiment in respect of any period during which he is undergoing any sentence of imprisonment, imprisonment with hard labour, or is detained in prison awaiting any trial which results in his conviction either for any offence against discipline, or for any other crime. Pay not to accrue during imprisonment under sentence.

47.—(1.) All fines imposed upon non-commissioned officers or privates of the regiment for offences under this Ordinance shall be recovered by stoppages from the offender's pay due at the time of committing such offence, or thereafter accruing due, and not from any other source or in any other manner. Fines to be recovered by stoppages.

(2.) The amount of stoppage shall be in the discretion of the officers authorized to impose fines, in no case exceeding one-third of the daily pay of the offender; and, whenever more than one order of stoppage for any cause is in force against the same person, so much only of his pay shall be stopped as shall leave him a residue of at the least two-thirds of his daily pay. Amount of stoppages.

(3.) Where more than one order of stoppage is made upon the same person, the order or orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders are discharged. Accumulated stoppages.

48.—(1.) All fines recovered within the Protectorate from non-commissioned officers or privates of the regiment shall be paid over to the Treasurer of the Protectorate, to be placed to the credit of a fund to be styled the "Military Fines Fund." Disposal of fines on non-commissioned officers or privates of the regiment.

(2.) No payment shall be made from the Military Fines Fund except on the authority of the Commissioner.

(3.) The Commissioner may, on the recommendation of the commanding officer, sanction payments from the Military Fines Fund for any of the following purposes, that is to say :—

(*a.*) Assistance to the wives or families of deceased soldiers, or soldiers discharged as invalids, who may be in immediate want;
(*b.*) Contributions towards prizes to be given at athletic meetings, assaults-at-arms, and similar events organized by or for the benefit of the soldiers of the regiment;
(*c.*) Purchase of ammunition for the encouragement of rifle shooting;
(*d.*) Payments to soldiers of the regiment as reward for special services when such payments cannot otherwise be met out of Protectorate funds;
(*e.*) Provision of any articles for the use of the regiment, when the cost of such provision cannot otherwise be met out of Protectorate funds.

(4.) Annual statements of receipts and expenditure on account of the Military Fines Fund shall be rendered by the senior commanding officer to the Commissioner, who will submit them to the Secretary of State.

Supplemental Provisions as to Discipline.

Restrictions as to punishment of non-commissioned officer.

49. The sentence on a non-commissioned officer for any offence shall in no case include corporal punishment, or imprisonment, unless it also includes reduction of the offender to the rank of a private, but a non-commissioned officer sentenced to corporal punishment or imprisonment shall be deemed to be reduced to the ranks, and in such case the sentence of reduction shall precede and be carried out before that of corporal punishment or imprisonment.

Restrictions as to corporal punishment.

50. No sentence of corporal punishment shall be carried out until a period of twenty-four hours has elapsed, and unless under the superintendence of a medical officer, or in case no medical officer is available, a European officer of the administration, nor until such medical officer or European officer shall certify the physical fitness of the offender to undergo the same, and in relation thereto the said medical officer or European officer may give and shall have carried out such orders for preventing injury to health as he may deem necessary, and, in case the said medical officer or European officer shall order the punishment to be discontinued, it shall be immediately discontinued accordingly.

Apprehension of deserters.

51.—(1.) Upon reasonable suspicion that any person is a deserter any non-commissioned officer or private of the regiment or other person may apprehend him, and forthwith bring him before the Collector of the district wherein he was found, who shall deal with the suspected deserter as if he were brought before him by warrant under the laws in force in the Protectorate.

Procedure thereupon.

(2.) Upon its appearing to such Collector by the testimony of one or more witnesses, or by his own confession, that the accused is a deserter, he shall cause him to be conveyed to the nearest detachment of the regiment, and delivered over to the officer in command thereof, together with an office copy of the proceedings and of the evidence taken by him; and such officer shall deal with the case in accordance with the provisions of this Ordinance.

Forfeiture of good-conduct badges and pay consequential on certain sentences.

52.—(1.) Forfeiture of one good-conduct badge and 1*s.* per month of good-conduct pay shall be involved in and deemed a part of any sentence of—

(*a.*) Imprisonment or confinement to barracks for more than seven days;
(*b.*) Imprisonment with hard labour for any term;
(*c.*) Fine in any sum exceeding 5*s.*;
(*d.*) Corporal punishment;

and every such forfeiture shall be entered on the offender's defaulter sheet and in the guard report.

Upon reduction of rank.

(2.) If a non-commissioned officer be reduced to the rank of a private, or reduced in degree of rank, he shall forfeit one good-conduct badge, should he be in possession of the same, and 1*s.* per month of good-conduct pay.

(3.) The commanding officer may in any case of aggravated offence recommend to the Commissioner that the offender forfeit all or any good-conduct badges and pay that he may be in possession of or may have earned, and all or any decorations or honorary rewards, and any advantage as to gratuity on discharge which he may have earned by past service, and such effect shall be given to such recommendation as the Commissioner may determine. In aggravated offences.

53. Any non-commissioned officer or private who has forfeited any period of past service qualifying towards good-conduct badges and pay or gratuity may have such service restored to him by the Commissioner, on the recommendation of his commanding officer, at any time as a reward for conspicuous gallantry in the field or other notable service, or when he has served with uninterrupted good conduct, as shown by his having no entries in the regimental defaulters' book, for two years in case of a first conviction entailing loss of service, for five years in case of a second conviction of the same nature, and for seven years in case of a third conviction of the same nature, or should circumstances of an aggravated character have attended the offence on account of which his service was forfeited. Such period of probation shall be reckoned from the release of the person convicted from imprisonment or other completion of his punishment and his return to duty. Restoration of forfeited service

54.—(1.) Every officer hereinbefore empowered to inquire concerning offences under this Ordinance shall in any matter touching such inquiries have the powers of a Magistrate under the Indian Code of Criminal Procedure, or of a Justice of the Peace in England, of summoning and examining witnesses on oath or affirmation, and calling for documents in any matter before him under this Ordinance, and of adjourning any hearing from time to time. Power of summoning witnesses.

(2.) In every inquiry in which evidence is taken on oath or affirmation the proceedings and evidence shall be recorded in writing, and the course of proceeding with respect to the taking of evidence and the conduct of the inquiry shall be as nearly as may be in conformity with the practice prescribed in the Rules of Procedure made under the Army Act. Form of proceedings.

55. Nothing in this Ordinance shall be construed to exempt any non-commissioned officer or private of the regiment from being proceeded against by the ordinary course of law when accused of any crime or offence other than the offences hereinbefore mentioned or referred to; and whenever any non-commissioned officer or private of the regiment is accused of any capital crime or of violence, or of any offence against person or property punishable by the law of the Protectorate, the commanding officers, officers and non-commissioned officers, and privates of the regiment shall use their utmost endeavours to cause such persons to be discovered and secured and delivered over to be tried in the ordinary course of justice. Ordinary course of law not to be interfered with.

56.—(1.) An offender shall not be liable to be tried by court-martial for any offence which has been dealt with summarily by his commanding officer, and shall not be liable to be tried by court-martial or to be punished by his commanding officer for any offence of which he has been acquitted or convicted by a competent civil court or by a court-martial. An offender shall not be liable to be tried by a civil court for any offence which has been dealt with summarily by his commanding officer or for which he has been tried by court-martial. Exemption from second trial or punishment for same offence.

(2.) If any non-commissioned officer or private of the regiment has been convicted by a competent civil court of any crime or offence he shall not be liable to be punished for the same under this Ordinance, otherwise than by loss of pay under section 46, and by reduction to an inferior rank or to the rank of a private, by order of the Commissioner communicated through the commanding officer, in the case of a non-commissioned officer, or by dismissal from the regiment, or by the loss of the whole or any period of his previous service reckoning towards discharge, or by the loss of all or any good-conduct badges which he may possess, together with forfeiture of the whole or any part of any good-conduct pay of which he is in receipt, by order of the Commissioner communicated through the commanding officer.

57. If any non-commissioned officer or private thinks himself wronged in any matter by any officer other than his captain, or by any non-commissioned officer or Mode of complaint by soldier.

private, he may complain thereof to his company commander, and if he thinks himself wronged by his company commander, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer; and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Commissioner; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

PART IV.—GENERAL PROVISIONS.

Legal Penalties in Matters respecting Regiment.

Inducing members of the corps to desert.

58. Any person who by any means whatsoever directly or indirectly procures or persuades, or attempts to procure or persuade, any non-commissioned officer or private of the regiment to desert, or who aids, abets, or is accessory to the desertion of any non-commissioned officer or private of the regiment, or who, having reason to believe that any man is a deserter, harbours such deserter or aids him in concealing himself, or aid or assists in his rescue, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding six months; and shall in addition be liable to a fine not exceeding 200 rupees.

Inciting to mutiny, &c.

59. Any person who aids, abets, or is accessory to any mutiny, sedition, or disobedience to any lawful command of a superior officer by any non-commissioned officer or private of the regiment, or maliciously endeavours to seduce any non-commissioned officer or private of the regiment from his allegiance or duty, shall be punishable with imprisonment, with or without hard labour, for a term not exceeding two years; and shall in addition be liable to a fine not exceeding 800 rupees.

Unlawful possession of arms, &c., of regiment; penalty.

60. Any person who shall knowingly detain, buy, exchange, or receive from any non-commissioned officer or private of the regiment, or deserter, or any person acting for or on his behalf, or who shall solicit or entice any non-commissioned officer or private of the regiment, or who shall be employed by any non-commissioned officer or private of the regiment, or deserter, knowing him to be such, to sell, make away with or dispose of any arms, ammunition, clothing, accoutrements, medals, or other appointments furnished for the use of the regiment, or who shall have in his possession any such arms, ammunition, clothing, accoutrements, medals, or appointments, and shall not give a satisfactory account how he came by the same, shall be liable to a penalty not exceeding 500 rupees together with double the value of all or any of the several articles of which such offender shall so become or be possessed.

Personating; penalty.

61. Whoever, not being a member of the regiment, or being a deserter therefrom, puts on the dress or accoutrements of a person serving in the regiment, or part thereof, or any dress intended to simulate that of the regiment, or part thereof, or any medal or badge which he is not authorized to wear, or takes the name, designation, or character of a person appointed to or serving in the regiment for the purpose of thereby doing or obtaining to be done any act which he would not be entitled to do, or procure to be done of his own authority or for any other unlawful purpose, shall be liable to be imprisoned, either with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 800 rupees, or to both.

Procedure where offences committed by other persons.

Disposal of fines.

62. All offences under this Ordinance committed by persons not belonging to the regiment shall be prosecuted, and all sentences imposed on such persons shall be carried into effect, in the manner provided by the laws in force in the Protectorate, and the amount of any fines recovered shall be paid to the Treasurer and form part of the public revenue.

Enforcement of Civil Contracts.

Non-commissioned officers or privates of the regiment not to be taken from service except for criminal charge or debt of 20*l.* or upwards.

63.—(1.) Any non-commissioned officer or private shall be liable to be taken out of the King's African Rifles only by process or execution on account of any criminal charge, or on account of an original debt proved by affidavit of the plaintiff, or of some one on his behalf, to the value of 20*l.* at the least over and above all costs of suit, but not for any original debt not amounting to 20*l.*, nor for the breach of any covenant, agreement, or other engagement, nor for having left or deserted his employer or master, or his contract, work, or labour; and all warrants or other process of execution on account of the matters for which it is herein declared that such non-commissioned officer or private is not liable to be taken out of the said service shall be null and void.

Plaintiff may have execution other than personal.

(2.) Any plaintiff, upon notice of the cause of action first given in writing to the officer under whose command the defendant is serving at the date of service of the writ of summons, may proceed in any action or suit to judgment, and have execution other than against the body of any non-commissioned officer or private, or than (except as next after mentioned) against the pay due or accruing due to him.

Pay of non-commissioned officers or privates of the regiment not arrestable for debt; exception.

(3.) The pay of any non-commissioned officer or private due or accruing to him at the date of any judgment, or afterwards, shall not be liable to be arrested upon any civil process except in respect of any debt or liability which he may have incurred within three years next before being appointed to the regiment, and for such debt or liability, when constituted by decree, his pay may be arrested to an extent not exceeding one-third thereof. Where an order for such arrestment is made, the court making the order shall give notice thereof to the paymaster, and thereupon the amount ordered shall be stopped out of the judgment debtor's pay until the amount of the decree is made good.

Wills and Distribution of Property.

Soldier on enlistment to register name of person to whom estate is to be paid in the event of his dying intestate.

64.—(1.) Every soldier on enlistment shall declare the name of the person or persons to whom, in the event of his decease without having made a valid will, any money or personal property due or belonging to him should be paid or delivered, and the name of such person or persons shall be recorded at the head-quarters of the soldier's battalion. The record shall be verified periodically, and it shall be the duty of the soldier to report any alteration in the record which he wishes made.

(2.) The paymaster or any officer of the regiment, or of the Treasury or other public department, having in his charge or control any pay, accumulations of pay, gratuity, or other allowance, or any personal property or money belonging to any soldier dying intestate who has complied with the above conditions, may pay or deliver the same to the person or persons whose name or names has or have been recorded by the soldier in the manner prescribed.

Form of will

65.—(1.) Any will made by a non-commissioned officer or private of the regiment shall be valid for disposing of any money or personal property which shall be due or belonging to him at his decease:—

If it is in writing and signed or acknowledged by him in presence of, and in his presence attested by one witness, being an officer of the regiment or public officer of the Protectorate, or

If it is executed with the formalities required by any law now or hereafter in force in the Protectorate, in the case of persons not being soldiers of the regiment.

Such will shall be deemed well made for the purpose of being admitted to probate, and the person taking out representation to the testator under such will shall exclusively be deemed the testator's representative with respect to the money or personal property thereby bequeathed.

Accumulation of pay, &c., if less than 50*l.*, may be paid without probate.

(2.) The paymaster or any officer of the regiment, or of the Treasury, or other public department, having in his charge or control any pay, accumulations of pay, gratuity, or other allowance, or any personal property, or money belonging to such testator, not exceeding in the aggregate the value of 50*l.*, may pay or deliver the

same to any person entitled thereto under the will, or to the person entitled to procure probate of, or administration under, such will, although probate or administration may not have been taken out.

Probate to be taken if value exceeds 50*l.*

If the value of the said money and personal property exceeds the said sum of 50*l.*, the paymaster or other officer as aforesaid, having the same in his charge or control, shall require probate or administration to be taken out, and thereupon pay and deliver the said money and effects to the legal representative of the deceased.

Distribution in cases of intestacy.

66. In case any non-commissioned officer or private of the regiment dies without having complied with the requirements stated in section 64 of this Ordinance, and without having made any valid will under this or any law or ordinance regulating wills for the time being in force, the paymaster or other officer having in his charge or control money or personal property of the deceased as aforesaid may, with the concurrence of the Commissioner, pay or deliver such money or personal property to any claimant showing herself or himself to the satisfaction of the Commissioner to be the widow of the deceased, or to be the child or any near relative of the deceased according to the rules of kinship of the tribe to which the deceased belonged, and where there are more such claimants than one, then in such shares and proportions as the claimants would be entitled to receive under the rules of succession prevailing among such tribe or as nearly as may be.

As to payment of debts.

67. Notwithstanding anything hereinbefore contained, if in cases where probate of the will or administration to the estate of the deceased is not taken out, the paymaster or other officer aforesaid, before disposing of the money and personal property of the deceased in manner aforesaid has notice of any debt due by the deceased, he shall apply such money and property so far as remaining in his charge or control, or so much thereof as may be requisite in or towards payment of such debt, subject to the following conditions :—

(1.) That the debt accrued within three years before the death.
(2.) That payment of it is claimed within one year after the death.
(3.) That the claimant proves the debt to the satisfaction of the Commissioner.

Any person claiming to be a creditor of the deceased shall not be entitled to obtain payment of his debt out of any money that may be in the hands of the paymaster or any officer of the regiment, or of the Treasury or other public department, except by means of a claim on the paymaster or commanding officer or some Collector, and proceeding thereon under and according to this Ordinance.

Property distributed subject to rights of creditors.

68. In all cases where the money or personal property of the deceased or any part thereof is paid or delivered to any person as being interested therein by reason of his or her name having been recorded in accordance with section 64 of this Ordinance, or under the will of the deceased, or as his widow or child or near relative, or in any other manner under this Ordinance, any creditor of the deceased shall have the same rights and remedies against such person as if he had received the same as a legal personal representative of the deceased.

Money undisposed of applied to regiment fund.

69. If the money or personal property belonging to the deceased, or any part thereof, remains for one year undisposed of or unappropriated, and without any valid claim thereto having been made, then the paymaster or other officer having the charge or control thereof shall apply and make over the same towards any reward and gratuity fund for the benefit of the regiment as may be prescribed by any order or regulations of the Commissioner.

Proviso.

Provided that the application under this section of any such money or property, or part thereof, undisposed of or unappropriated as aforesaid, shall not be deemed to bar any claim of any person to the same, or any part thereof, that may be established at any time after such application.

Medals and decorations excepted.

70. Medals, uniforms, and decorations shall not be considered to be comprised in the personal estate of any deceased with reference to claims of creditors, or for any of the purposes of administration under this Ordinance or otherwise, and the same shall be delivered to and held by the paymaster, and disposed of according to regulations made by the Commissioner.

71. In every case of desertion the money or property of the deserter in the charge or control of the paymaster, or any other officer as aforesaid, shall be disposed of according to regulations made by the Commissioner. Application of money, &c., in case of desertion.

Provided that in every such case the provisions of section 65 of this Ordinance shall, *mutatis mutandis*, apply as nearly as may be.

72. The Uganda Military Force Ordinance, 1899, and the Military Fines Fund Regulations, 1902 (No. 4 of 1902), are hereby repealed.

J. HAYES SADLER,
Commissioner.

Entebbe, November 27, 1902.

Uganda Protectorate. 27 Nov. 1902. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 2 May 2016.

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